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6 **BEFORE THE VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD**
7 **OF THE STATE OF CALIFORNIA**
8

9 In the Matter of the Applications of:

10 **Raasan Walton; Applicant**

11 **Deborah James; Applicant**
12

Precedent Decision No. 01 – 09

13 A hearing on this application was held on August 9, 2001, in Oakland, California, by
14 Donna D. Ferebee, Hearing Officer, who was assigned to hear this matter by the Executive Officer of the
15 California Victim Compensation and Government Claims Board (Board).

16 The applicant and victim, Raasan Walton, attended the hearing. Mr. Walton's mother, Deborah
17 James, also attended the hearing.

18 **Claim History**

19 The application, arising from a shooting occurring on February 12, 1999, was received on
20 December 2, 1999; was recommended for denial on the April 28, 2000, consent calendar; and was
21 timely appealed. The applications request assistance for medical and mental health counseling
22 expenses.

23 **Summary of Issues**

24 Staff recommended the applications be denied because staff determined that Mr. Walton was
25 involved in the events leading to the qualifying crime due to illegal drug-related activity at the time of
26 the crime.

27 **Findings of Fact**

28 According to the police report, Mr. Walton was lying on his back and right side on the porch
29 steps in front of a home on 77th Avenue when the police arrived on the scene. The officers observed

1 that Mr. Walton had been shot once in his face, twice in his back, once in his right buttock, and once in
2 his thigh. He was immediately transported to the hospital.

3 According to the report, the officers spoke with the occupants of the house who claimed that
4 they saw nothing, but heard a verbal confrontation just prior to hearing the gunshots. The occupants
5 stated that they did not know the victim, but one reported to have heard someone outside say, "You
6 better not tell nobody" in a very threatening manner. The officers took statements from several
7 neighbors, many of whom claimed to have heard the gunshots, but all denied seeing the shooting. One
8 neighbor in particular stated that "Roshawn" is a quiet person and should not have any problems with
9 anyone. One witness, James Anderson, told police that he had witnessed the shooting from about five
10 houses down the street. Mr. Anderson reported that he knows of the suspect but does not know the
11 suspect's name. Mr. Anderson told police that he believes Mr. Walton was shot because he was
12 selling fake cocaine.

13 According to the report, officers met with Mr. Walton and his mother, Deborah James, on
14 March 9, 1999. During this interview, Mr. Walton admitted to the police that he was selling drugs in
15 front of the house at the time he was shot, but claimed that the shooting was unrelated to the drug deal.

16 The report indicates that Mr. Walton explained to police that earlier in the day he had punched
17 a person named "Will" and about 20 minutes later, Will was in a car with two other men driving up
18 and down the street. Mr. Walton told police that he later learned that the other two men may have
19 been Will's brothers, and one was named "Jerry." Mr. Walton told police that "Jerry" and one of the
20 other brothers got out of the car. "Jerry" approached Mr. Walton, and asked him if he hit his brother
21 (Will). According to Mr. Walton's statement, "Jerry" then pulled out a gun and shot him. Mr. Walton
22 stated that he tried to run, but was shot four more times as he attempted to get away. Mr. Walton
23 reported that the men then fled the scene.

24 According to the report, Jerry Law was arrested on suspicion of shooting Mr. Walton, and a
25 statement was taken.¹ Mr. Law first gave several inconsistent versions of what had transpired before
26 he finally admitted to shooting Mr. Walton; but he claimed that he did so only because Mr. Walton had
27 a gun. When officers contacted Mr. Walton about the allegation that he had a gun, Mr. Walton
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29 ¹ Mr. Law was convicted of assault with a deadly weapon and sentenced to 15 years in prison.

1 maintained that the incident occurred exactly the way he had explained it previously (presumably
2 denying that he had a gun).

3 The report contains a statement from another witness, Willie Dudley, who denied being with
4 Mr. Law at the time of the shooting, but admitted that Mr. Law had told him that he planned to shoot
5 Mr. Walton. Mr. Dudley also told police that Mr. Law later admitted to shooting Mr. Walton, and
6 claimed to have killed him. The report also contains a statement from another witness, Marcus Penn,
7 who admitted that he was present when the shooting occurred, but stated that he did not actually see
8 Mr. Law shoot Mr. Walton.

9 The file also contains a Crime Report Clarification Request dated February 14, 2000. On this
10 form, the investigating officer indicated to Board staff that Mr. Law was charged with attempted
11 murder. The officer also indicated that Mr. Walton was involved in illegal activity that contributed to,
12 or led up to the incident. The officer explained that the suspect alleged that the victim was one of
13 several individuals who had earlier robbed his brother, but the victim denied it. The officer also
14 indicated that the suspect claimed to have shot Mr. Walton in retaliation for the robbery.

15 In his April 23, 2000, appeal letter to the Board, Mr. Walton emphasized that he was never
16 charged with any crime, and seems to argue that he was not selling fake cocaine. In his January 5,
17 2001, appeal letter to the Board, Mr. Walton again emphasized that he was not charged with any crime.
18 He stated that he did not have a weapon at the time of the shooting, and was not involved in a robbery
19 of car speakers.²

20 At the hearing, Mr. Walton denied any involvement in a robbery, and denied that the shooting
21 was drug-related. Mr. Walton testified that about 30 minutes before the shooting he had been talking
22 with Will, was threatened by something Will said, and hit Will out of self-defense. The Hearing
23 Officer asked Mr. Walton what the threat was regarding, and Mr. Walton responded that he could not
24 remember, but then eventually stated that it had something to do with telling someone something about
25 car speakers. The Hearing Officer asked Mr. Walton if he knew anything about a robbery of car
26 speakers or any other robbery, and Mr. Walton responded that he does not know anything about it. Mr.

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29 ² The staff recommendation does not mention car speakers.

Walton admitted under oath to selling drugs in the past, but maintained that he had not been selling drugs in front of the house at the time he was shot.

Mr. Walton's mother, Deborah James, testified that based on what she knows of her son, he was not involved in any criminal activity leading up to the crime.

Determination of Issues

The Board shall approve an application for assistance if a preponderance of the evidence shows that as a direct result of a crime the victim incurred an injury that resulted in a pecuniary loss. (Gov. Code, § 13964(a).)

An application may be denied, in whole or in part, if the Board finds that denial is appropriate because of the nature of the victim's involvement in the events leading to the crime. (Gov. Code, § 13964(b).) The Board may consider the following factors when determining whether a victim was involved in the events leading to the qualifying crime due to illegal drug-related activity: 1) the victim was involved in an illegal drug transaction at the time the qualifying crime occurred; and 2) the victim was victimized as a result of involvement in a prior illegal drug transaction. (Cal. Code Regs., tit. 2, § 656.2.)³ Evidence of a victim's involvement in the events leading to the qualifying crime obtained by an investigating law enforcement agency may be given significant weight. (Reg., §§ 656.1(e); 656.2(c).)

Factors that may be considered to mitigate involvement in the events leading to the qualifying crime include, but are not limited to: 1) the victim suffered an injury that was significantly more serious than reasonably could have been expected as a result of his involvement in the events leading to the qualifying crime; and 2) another person involved in the events leading to the qualifying crime escalated his or her conduct in a manner not reasonably foreseeable by the victim. (Reg., § 656.8.)

It is undisputed that Mr. Walton suffered very serious injuries as a result of being shot multiple times. There is no question that he was the victim of a qualifying crime. However, the issue is whether or not there is sufficient evidence that Mr. Walton was involved in the events leading to the qualifying crime due to illegal drug-related activity, such that his application should be denied.

³ All citations to regulations are to Title 2, California Code of Regulations.

1 Although Mr. Walton vehemently denies selling drugs at the time of the shooting, the police
2 report indicates that Mr. Walton admitted to police that he was doing just that when he was shot.
3 Considering all of the evidence, and particularly the admission of Mr. Walton to the police that he was
4 selling drugs, it is most likely that Mr. Walton was involved in illegal drug-related activity. In
5 addition, by Mr. Walton's own admission, he had punched Will approximately 30 minutes before the
6 shooting. The explanation Mr. Walton gave regarding that incident was vague and noticeably evasive.
7 This affected Mr. Walton's overall credibility. Finally, it also appears that Mr. Walton may have been
8 involved in criminal activity regarding a robbery of car speakers. Aside from the incident with Will
9 and the possible robbery of car speakers, there is sufficient evidence that Mr. Walton was involved in
10 some kind of illegal drug activity that precipitated the shooting. Thus, it is found that Mr. Walton was
11 involved in the events leading up to the crime due to illegal drug-related activity.

12 Having found that Mr. Walton was involved in the events leading to the qualifying crime
13 due to illegal drug-related activity, the question becomes whether denial of the application, either in
14 whole or in part, is appropriate. Given the evidence of involvement due to illegal drug-related activity
15 on the part of Mr. Walton, and applying the mitigation factors provided in Regulation § 656.8, it
16 cannot be said that Mr. Walton suffered an injury that was significantly more serious than he
17 reasonably could have expected would result from his actions. Therefore, it is appropriate to deny the
18 application in whole.

19 Order

20 The application is denied. Mr. Walton is not eligible for program assistance.

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23 Date: August 29, 2001

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25 DONNA D. FEREBEE
26 Hearing Officer
27 California Victim Compensation and
28 Government Claims Board
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Precedent Decision No. 01 - 09

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13 On October 19, 2001, the California Victim Compensation and Government Claims Board
14 adopted the attached Decision as a Precedent Decision in the above-referenced matter. The Decision
15 became effective on October 19, 2001.
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17 Date: October 30, 2001

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19 JANICE HILL
20 Acting Chief Counsel
21 California Victim Compensation and
22 Government Claims Board
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